

Graham Judge

From: Graham Towers
Sent: Friday, 23 October 2020 2:45 PM
To: Graham Judge
Subject: RE: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Hi Graham,

I am happy to proceed with a recommendation that item 1 below is addressed as a condition of any Gateway.

From memory I think that the separation requirement was an attempt to 'cluster' the dwellings to avoid fragmentation of the land and minimize land use conflicts. I do take Council's point though that it is not a widely used provision and I am comfortable going with Council's proposal.

Cheers

Graham Towers
Manager, Southern Region

Local and Regional Planning | Department of Planning, Industry and Environment
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**Planning,
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Environment**

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Sent: Friday, 23 October 2020 2:39 PM
To: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: FW: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Graham T,

1. See Council response below. They are OK with applying a MLS for DO in rural zones but as part of a Gateway condition. I have no issue with this process as long as we get it into the LEP.
2. I note Anna's statement that *"This distance constraint was placed on Council by the Department of Planning (even though BV LEP 2002 had no such restriction and there were no associated problems)."* This seems a bit strange for the Department to impose this type of provision on Council. Is so not sure why the Department would do this? Will check out when I get back from leave.

Cheers

Graham Judge
Senior Planning Officer

Local and Regional Planning | Department of Planning, Industry and Environment



Planning,
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Environment

From: Bowman, Anna <ABowman@begavalley.nsw.gov.au>
Sent: Friday, 23 October 2020 2:23 PM
To: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>; Thomson, Sophie <SThompson@begavalley.nsw.gov.au>
Subject: RE: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Dear Graham

Thanks for your feedback. Please see our responses under your feedback:

We have noticed there appears to be no provision in the Bega LEP 2013 that applies a minimum lot size for dual occupancy development in the RU1, RU2 RU4 and E4 Zones. For example see clause 4.2A of Eurobodalla LEP 2012. We suspect that this is an oversight. If so it would be appropriate to fix this anomaly as part of this PP.

We are amenable to amending Clause 4.2A of the Bega Valley LEP 2013 to refer to dual occupancies in addition to dwelling houses. Will you provide advice to this effect through the gateway?

Secondary dwellings are generally smaller than the principal dwelling (s5.4 (9)) so a maximum of 250 metres separation distance seems to be excessive for a smaller dwelling that is usually intended to be in close proximity to the principal dwelling e.g. granny flat.

Our intention for amending the maximum separation distance between dwellings from 100m to 250m is because 100m is not suitable in many instances in the Bega Valley Shire. This issue remains regardless of the size of the proposed dwelling. This distance constraint was placed on Council by the Department of Planning (even though BV LEP 2002 had no such restriction and there were no associated problems) and we are happy to keep a restriction in place. Council selected 100m at the time, but would now like some additional flexibility to minimise DAs being determined with a Clause 4.6 variation.

We are unable to find any other Councils that appear to have been burdened with a distance restriction for detached dual occupancies or secondary dwellings. In relation to secondary dwellings, there are no controls in any standardised LEP that we are aware of that restricts the distance between a secondary dwelling and a principal dwelling. The effect of including secondary dwellings into BV LEP 2013 Clause 4.2D would be to place a greater restriction on the distance between a principal and secondary dwelling than any other LEP that permits secondary dwellings in rural zones.

Regards,
Anna



Anna Bowman
Town Planner

PO Box 492, Bega NSW 2550
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We wish to acknowledge the Traditional Custodians of the lands and waters of the Shire
- the people of the Yuin nation and show our respect to elders past and present.

From: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Sent: Friday, 23 October 2020 11:39 AM
To: Bowman, Anna <ABowman@begavalley.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: RE: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Anna,

I have had a discussion with Graham Towers on this PP and we have two issues;

- Secondary dwellings are generally smaller than the principal dwelling (s5.4 (9)) so a maximum of 250 metres separation distance seems to be excessive for a smaller dwelling that is usually intended to be in close proximity to the principal dwelling e.g. granny flat.
- We have noticed there appears to be no provision in the Bega LEP 2013 that applies a minimum lot size for dual occupancy development in the RU1, RU2 RU4 and E4 Zones. For example see clause 4.2A of Eurobodalla LEP 2012. We suspect that this is an oversight. If so it would be appropriate to fix this anomaly as part of this PP.

I will not be in the office next week so if you are unable to reply today please send any responses to Graham Towers at garaham.towers@planning.nsw.gov.au

Graham Judge
Senior Planning Officer

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**Planning,
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From: Bowman, Anna <ABowman@begavalley.nsw.gov.au>
Sent: Friday, 23 October 2020 10:24 AM
To: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: RE: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Hi Graham

I have responded to your comment below in **red font**.

Clause 4.2D currently limits the distance between dual occupancies (detached) to a maximum distance of 100m apart, but sometimes it is not possible to locate two detached dwellings this close to each other, because of topographical constraints such as gullies, forest etc. We want to increase the distance to 250m for practicality. Therefore, the LEP amendment would allow dwellings to be sited between 0 – 250m apart.

Regards,
Anna



Anna Bowman
Town Planner

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From: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Sent: Friday, 23 October 2020 9:56 AM
To: Bowman, Anna <ABowman@begavalley.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: RE: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Ann,
So to be clear Council wishes to permit *secondary dwellings* in the RU1, RU2 and RU4 zones provided they are located **within** 250 metres ~~from~~ **of** the principle dwelling (**i.e. no more than 250m from the principle dwelling**).

Secondary dwellings therefore cannot be attached to the principle dwelling (dwelling house or dual occupancy)? This is despite the fact that Council currently permits *dual occupancies (attached)* in the RU1, RU2 and RU4 Zone. **This is not the intention.**

Graham Judge
Senior Planning Officer

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**Planning,
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From: Bowman, Anna <ABowman@begavalley.nsw.gov.au>
Sent: Friday, 23 October 2020 9:05 AM
To: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Cc: Thomson, Sophie <SThompson@begavalley.nsw.gov.au>
Subject: RE: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Good morning Graham

Sorry if this is unclear. We would like to achieve 3 steps in the PP.

1. Currently, under our LEP 2013, secondary dwellings are prohibited in the RU1, RU2 and RU4 zones. Dual occupancies (detached) are permitted with consent in the RU1 and RU2 zones. We would like to make secondary dwellings permitted with consent in the RU1, RU2 and RU4 zones.
2. Currently, Clause 4.2D only applies to dual occupancies (detached) in the RU1 and RU2 zones. We would like to expand its application to secondary dwellings in the RU1, RU2 and RU4 zones also (since we proposing for them to be permitted with consent).
3. Currently, dual occupancies (detached) must be sited within 100m of each other. We would like to increase this maximum distance to 250m as we are receiving a significant amount of Clause 4.6 variations to the 100m control.

Hope this clarifies our intentions.

Kind regards,
Anna



Anna Bowman
Town Planner

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- the people of the Yuin nation and show our respect to elders past and present.

From: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Sent: Thursday, 22 October 2020 2:28 PM
To: Thomson, Sophie <SThompson@begavalley.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: FW: Local Environmental Plans Submission Secondary dwellings and Dual Occupancies

Sophie

The proposed changes suggests that you cannot have an attached secondary dwelling in the RU1, RU2 or RU4 Zone (dwellings must be 250 metres apart) but you can have an attached DO in the RU1, RU2 Zone and R4 Zone.?

Based on the changes Council is also OK with an attached DO in RU1 and RU2 but if it is to be a detached DO the dwellings must be at least 250 metres apart?

Is this correct?

4.2D Erection of dual occupancies (detached) and secondary dwellings in Zone RU1, ~~an~~ Zone RU2 and Zone RU4

(1) The objectives of this clause are as follows—

- (a) to provide alternative accommodation for rural families and workers,
- (b) to ensure development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
- (c) to ensure optimal siting of dwellings with regard to aspect, slope, hazards, preserve biodiversity and Aboriginal cultural heritage and minimising potential for land use conflict

(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production, ~~or~~ Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that—

- (a) the development will not impair the use of the land for agriculture or rural industry and
- (b) each dwelling will use the same vehicular access to and from a public road, and
- ~~(c) each dwelling will be situated within 100 metres of each other, and~~
- (c) each dwelling will be situated within 250 metres of each other, and
- (d) the land is physically suitable for the development, and
- (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
- (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

Graham Judge

Senior Planning Officer

Local and Regional Planning | Department of Planning, Industry and Environment

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**Planning,
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From: Lorrae Phillip <Lorrae.Phillip@planning.nsw.gov.au> **On Behalf Of** DPE PSVC Wollongong Mailbox
Sent: Wednesday, 21 October 2020 8:16 AM
To: Graham Judge <Graham.Judge@planning.nsw.gov.au>
Cc: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Subject: FW: Local Environmental Plans Submission

Hi GJ

E-planning submission for gateway determination.

I will make up a CM9 folder and register all docs and add to the work tracker.

Thanks L

BEGA VALLEY

Type of document

Amendment to Standard Instrument LEP

Title of local environmental plan

Bega Valley Local Environmental Plan 2013

Name of EPI to be Amended

Bega Valley Local Environmental Plan 2013

Planning proposal number

PP_2020_BEGA_Am38

Amendment number

PP_2020_BEGA_Am38

Stage of planning proposal

Submitted for a Gateway Determination

Comments

Documents

Document category	File name
Local Environmental Plan	Secondary Dwellings and Dual Occupancies in Rural Zones Planning Proposal 2020
Local Environmental Plan	ministerial-direction-s9-1-consolidated-list-environment-planning-and-assessment-20
Local Environmental Plan	Council_resolution_7_Oct_Secondary_Rural.pdf
Local Environmental Plan	BVSC map showing RU1, RU2 and RU4 zones.pdf
Local Environmental Plan	Attachment 4 - Evaluation Criteria.pdf
Other	AD14 0010041 andrew constance representation on behalf of silvester & mccoys reg

From: NSW Planning <planning.apps@planning.nsw.gov.au>

Sent: Tuesday, 20 October 2020 4:35 PM

To: DPE PSVC Wollongong Mailbox <wollongong@planning.nsw.gov.au>

Subject: Local Environmental Plans Submission

Local Environmental Plans

planningportal.nsw.gov.au

A Local Environmental Plans submission was made through the NSW Planning Portal.

The reference number for your submission on 20 October 2020 is S-2286 .

We have shared your submission with the Department's Regional team for processing.

Please note that the Regional team may request additional information from you to help with their processing.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message. For more information please visit the [NSW Planning Portal](#), or email us at eplanning@planning.nsw.gov.au, or call our help line on 1300 305 695.